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Application Serial No. 10/678,186
Reply to Office Action dated July 13, 2006REMARKS/ARGUMENTS

Initially, the Applicant would like to thank the Examiner for taking the time to discuss the outstanding Office Action with the Applicant's representative during a telephone conference held on October 4, 2006. In addition, the Applicant would like to thank the Examiner for the early indication of allowable subject matter. More specifically, the Examiner has indicated that claims 1-9, 12-16 and 18-21 are allowed, and claim 22 is objected to but would be allowed if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Therefore, claim 17 is the only remaining claim currently being rejected in the case.

Claim 17 is directed to a method of performing a vend operation in a vending machine that includes detecting a disruption of a sound beam, which is particularly employed to detect the passage of a selected product to indicate the completion a vend operation, when the vending machine is dormant. More specifically, disruption of the sound beam in the absence of a selected vend operation indicates that a product is being removed from the machine without payment. In this sense, claim 17 is directed to a method of detecting pilfering or the like from the vending machine during times when the vending is dormant. By dormant, it is meant that the claim is directed to an operation that occurs when the vending machine is not being employed in a conventional manner, e.g., operating to dispense a product following receipt of a purchase price.

In rejecting claim 17, the Examiner relies upon Chen (U.S. Patent No. 6,640,994), in view of Drake et al. (U.S. Patent No. 6,569,924) and Carmichael (U.S. Patent No. 6,749,052). During the interview, the Examiner and the Applicant's representative agreed that the Carmichael reference teaches away from detecting pilfering from a coin operated machine during times when the machine is dormant. That is, Carmichael teaches employing a detector to sense the insertion of a "cheating" tool into a coin chute to divert coins around a detector 74 or to disable detector 74 such that exiting coins are not counted by a circuit board 44. Thus, the only time that the detector functions is when the slot machine is operating in a pay-out mode, e.g., discharging coins from the slot

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machine as a part of normal operation. This arrangement is quite distinct from the present invention which requires detecting the disruption of a sound beam in the absence of a selected vend operation. That is, the present invention functions, not during normal operation, but when the vending machine is dormant such that the disruption of the sound beam indicates that a product is being removed from the machine without payment as specifically claimed. During the interview, the Examiner acknowledged this distinction and agreed that claim 17 is allowable over the applied combination of references.

Based on the above remarks and the agreements reached with the Examiner, it is respectfully submitted that claim 17 is patentably defined over the prior art of record such that allowance of all claims and passage of the application to issue are respectfully requested. If the Examiner should have any additional questions or concerns regarding this matter, he is cordially invited to contact the undersigned at the number provided below.

Respectfully submitted,



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